

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

SHAWN BAILEY,

Plaintiff,

v.

BRITNEY COFFMAN, et al.,

Defendants,

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No. 4:15CV968 ERW

MEMORANDUM AND ORDER

Plaintiff moves for a preliminary injunction prohibiting defendant Steven Brouk from “harassing” him. The motion is denied.

Plaintiff brought this suit for excessive force. He alleged that Brouk and others assaulted him while he was in handcuffs and used pepper spray on him after he was subdued.

In the instant motion, plaintiff alleges that Brouk searched his cell while he was showering. He says that on his return he found some of his notes pertaining to this lawsuit torn apart in the toilet. He believes that Brouk tore up the papers to harass him. And he is concerned that Brouk will prevent him from effectively prosecuting this action.

To determine whether preliminary injunctive relief is warranted, the Court must balance threat of irreparable harm to movant, the potential harm to nonmoving party should injunction issue, the likelihood of success on merits, and the public interest. *Dataphase Sys. v. CL Sys.*, 640 F.2d 109, 113-14 (8th Cir. 1981) (en banc).

After balancing these factors, the Court finds that injunctive relief is not appropriate at this time. Brouk is currently represented by counsel, and any efforts by Brouk to interfere with this action can be dealt with during the course of this case. Plaintiff has not suffered any injury

in this case. He has successfully brought claims against the named defendants, and each of the defendants has answered his claims. Discovery will proceed forthwith. Finally, the public interests prevent the Court from interfering with prison operations absent extraordinary circumstances, which do not exist here.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for preliminary injunction [ECF No. 15] is **DENIED**.

So Ordered this 30th day of October, 2015.

A handwritten signature in black ink, appearing to read "E. Richard Webber", is positioned above a horizontal line.

E. RICHARD WEBBER
SENIOR UNITED STATES DISTRICT JUDGE